

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK (POUGHKEEPSIE)

IN RE:

MICHAEL W. TIERNEY,

Debtor,

KELLY A. TIERNEY,

Joint Debtor.

CASE NO.: 12-37132-CGM
CHAPTER 13

HON. CECILIA G. MORRIS

MOTION TO APPROVE TRIAL LOAN MODIFICATION AGREEMENT

U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA, SUCCESSOR IN INTEREST TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE BEAR STEARNS ASSET BACKED SECURITIES I TRUST 2004-HE6, ASSET-BACKED CERTIFICATES, SERIES 2004-HE6 (“Secured Creditor”), by and through undersigned counsel, files this Motion to Approve Trial Loan Mitigation Agreement, and in support thereof states as follows:

1. On March 8, 2004, Debtors (collectively referenced as “Debtor”) executed and delivered a Promissory Note (“Note”) and a Mortgage (“Mortgage”) securing payment of the Note in the amount of \$155,000.00. The Mortgage was recorded September 9, 2004 in Book 11576 at Page 0503 of the Public Records of Orange County, New York.
2. The mortgage provides Secured Creditor a lien on the Debtor’s real property legally described in Schedule A of the aforementioned recorded Mortgage.
3. **This property is located at the street address of:** 11 5th Avenue, Newburgh, NY 12550. The parties engaged in loss mitigation and reached an amicable resolution in regard to the above-referenced property.

4. A true and accurate copy of the applicable trial loan modification agreement is attached hereto as Exhibit "A."
5. Secured Creditor seeks this Court's approval as a condition to the effectiveness of the agreement. No parties will be prejudiced by approval of this agreement.

WHEREFORE, Secured Creditor, respectfully requests this Honorable Court enter an Order Approving the Trial Loan Modification Agreement, and for any such further relief as this Honorable Court deems just and proper.

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New York Bar No. 5369459

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 30, 2017, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

Michael W Tierney
269 Old Albany Post Road
Garrison, NY 10524

Kelly A Tierney
269 Old Albany Post Road
Garrison, NY 10524

Thomas J. Minotti
1131 Route 55, Suite 6
Lagrangeville, NY 12540

Jeffrey L. Sapir-13
As Chapter 13 and 12 Trustee
399 Knollwood Road
Suite 102
White Plains, NY 10603

United States Trustee
74 Chapel Street
Albany, NY 12207

Dated: August 30, 2017

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By: /s/ Miriam J. Rosenblatt
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